

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:)	
)	
HEATHER RENEE MILLS BANNING)	Case No. 19-13429-KHK
)	Chapter 13
)	
)	
Debtor.)	
_____)	

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

COMES NOW, Foxborough Phase I Homeowners Association (hereinafter “Association”), a secured creditor, by counsel, and files this Objection to the Chapter 13 Plan of the Debtor dated October 22, 2019. In support of this Objection, the Association states as follows:

1. Debtor is the owner of 13197 Golders Green Place, Bristow, VA 20136 (hereafter, the “Property”). The Association avers that the Property is Debtor’s principal residence.
2. The Property is subject to the recorded “Declaration of Covenants, Conditions, and Restrictions” (hereinafter “Declaration”) as recorded in Deed Book 2175, Page 036 among the land records of Prince William County, Virginia, and the Virginia Property Owners Association Act, § 55.1-1800 *et. seq.*, Code of Virginia (the “Act”). The Declaration and the Act were in effect when the Debtor filed her petition and still are in effect as of the date of the filing of this Objection.
3. In accordance with Article IV, Section 1 of the Declaration, the Association has the authority to levy assessments against a lot owner subject to the Association’s governing documents.

4. This same section and § 55.1-1833 of the Act state that the Association shall have a continuing lien on an owner's lot for unpaid assessments.

5. Debtor's pre-petition delinquency includes a debt of Two Thousand Eight Hundred Seventeen Dollars and Fourteen Cents (\$2,817.14) that is secured by a judgment lien and an assessment lien on the Property.

6. In her bankruptcy schedules, Debtor states lists the secured debt owed to the Association at only \$2,500.00.

7. Accordingly, Debtor's Plan fails to fully cure the Association's secured claim and is therefore in violation of 11 U.S.C. §§ 1322(b)(2) and (5).

8. Additionally, this Plan's failure to fully cure the pre-petition arrearage owed to the Association which is secured by the Property demonstrates that the Plan is not feasible and therefore in violation of 11 U.S.C. § 1325(a)(6).

WHEREFORE Foxborough Phase I Homeowners Association, a secured creditor by counsel, respectfully moves the Court to deny confirmation of the Debtor's Chapter 13 plan dated October 22, 2019, along with such other relief as the Court deems is necessary and proper.

Respectfully submitted this 31st day of October 2019,

/s/ Jeremy C. Huang

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of October 2019, a copy of the foregoing Objection to Confirmation and the Notice of Objection were served via the Court's ECF system upon the following persons:

Thomas Gorman
Chapter 13 Trustee
300 N. Washington St., #400
Alexandria, VA 22314

John Paul Goetz
John Goetz Law, PLC
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Attorney for the Debtor

/s/ Jeremy C. Huang
Jeremy C. Huang